

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

Bail Appl..No. 828 of 2007()

CMP.754/2007 of J.M.F.C.,KARUNAGAPPALLY

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: PETITIONER/ACCUSED:

ANIL KUMAR, AGED 32,
S/O. RAMAKRISHNAN, PEREMPALLIMELATHIL,
EZHUKONE, KOLLAM.

BY ADV. SRI.H.HARIKUMAR (KOLLAM)

RESPONDENT: COMPLAINANT:

RANGE INSPECTOR,
KARUNAGAPPALLY EXCISE RANGE, KARUNAGAPPALLY,
KOLLAM REPRESENTED THROUGH PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12/02/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

BAIL APPLICATION NO. 828 OF 2007

DATED THIS THE 12th DAY OF FEBRUARY, 2007

O R D E R

Petitioner who is the accused in Cr.No.232/06 of Karunagappally Excise Range for offences punishable under sections 55(a) and 67B of the Abkari Act for allegedly procuring 1530 litres of spirit in 51 jerry cans on 7.12.2006, seeks his enlargement on bail.

2. Pursuant to the direction issued by this court while disposing of the petitioner's application for anticipatory bail, he surrendered before the Investigating Officer on 19.1.2007. On production before the Magistrate, he was remanded to judicial custody, where he continues.

3. Learned Public Prosecutor opposed the application.

4. The case of the petitioner is that on the day previous to the date of the alleged detection, his mini lorry was stolen and he had lodged a complaint before the Police and within three hours of the complaint, the lorry was detected by the Excise Officials with contraband spirit for which the petitioner cannot be held responsible. The learned Public Prosecutor would submit that the alleged theft of the lorry is a cock and bull story and that the Police had rightly refused to register a crime and that the petitioner is the person who has procured the contraband spirit.

5. It is too early to accept the petitioner's version at this stage of the investigation.

6. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec.41 A of the Abkari Act are present in this case so as to justify the release of the petitioner on bail.

This application is accordingly dismissed.

V.RAMKUMAR, JUDGE

dsn